

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07 cr 03-5

FILED
IN COURT
ASHEVILLE, N.C.
OCT - 9 2007
U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA,

Vs.

JOHN ALLEN SMITH,

Defendant.

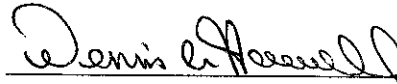
ORDER CONCERNING
FACTUAL BASIS

THE DEFENDANT came before the court on July 9, 2007 and participated in a Rule 11 inquiry whereby the defendant entered a plea of guilty to count one as contained in the Superseding Bill of Indictment, that being a charge that the defendant entered into a conspiracy with the other defendants to operate an illegal gambling business in violation of Title 18 U.S.C. § 1955, said conspiracy being in violation of 18 U.S.C. § 371. The undersigned has now been directed by the District Court to make inquiry of the defendant to determine whether or not that there was a factual basis for the plea of guilty of the defendant.

The undersigned having made inquiry upon the record of the defendant who had been first duly sworn to tell the truth finds that in the above entitled matter that the defendant is fully competent and capable of entering an informed plea; that his plea of guilty to the charge contained in the Superseding Bill of Indictment on July 9, 2007 was knowing and voluntary. The undersigned further finds that the plea of guilty is supported by an independent basis of fact containing each of the elements of the offense charged against the defendant in count

one of the Superseding Bill of Indictment. Accordingly, the undersigned accepts the plea of guilty to count one as contained in the Superseding Bill of Indictment and adjudges the defendant to be guilty of that offense.

This the 9th day of October 2007.

A handwritten signature in cursive script, appearing to read "Dennis L. Howell", is written over a horizontal line.

DENNIS L. HOWELL, UNITED STATES
MAGISTRATE JUDGE